

Attorney Docket No: IDF 1614 (4000-04800)

Patent

REMARKS/ARGUMENTS***Status of Claims***

Claims 1-3 and 5-27 are pending in the application.

Claims 1-3 and 5-27 stand rejected.

Claims 1, 12, 17, and 27 are hereby amended.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claims Rejections – 35 USC § 103

Claims 1-3 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* (U.S. 4,516,238) in view of *Yang* (U.S. 5,856,977). Claims 5-9, 22, 23, 26, and 27 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* in view of *Yang* and *Cooperman* (U.S. 5,862,128). Claims 10-11 and 24-25 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* in view of *Yang*, *Cooperman*, and *Widjaja* (U.S. 5,440,553). Claims 12-16 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* in view of *Yang* and *Widjaja*. Claims 17-18 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang II* (U.S. 4,542,497) in view of *Yang*. Claims 19-21 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang II* in view of *Yang* and *Cooperman*. Thus, claims 1-3 and 5-27 stand or fall on the application of *Huang I* and *Yang* to independent claim 1, *Huang I*, *Yang*, and *Widjaja* to independent claim 12, and *Huang II* and *Yang* to independent claim 17.

The requirements for establishing a *prima facie* case of obviousness are well established:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

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The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. MPEP § 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined:

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 2142 quoting *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Amended claim 1 reads:

1. A switching system for a telecommunications network, comprising:
 - a) a first stage having input and output sides, said output side concentrated relative to said input side; and
 - b) a second stage having input and output sides, said input side of said second stage coupled to said output side of said first stage and said output side of said second stage being comprised of a plurality of outputs, wherein said second stage is a non-recirculating sort and trap stage;
 - c) for a plurality of cells arriving, at said second stage, in a first time slot, said second stage placing each cell having a unique destination address on a selected one of said plurality of outputs and aging each cell having a non-unique destination address in a buffer connected in parallel with the outputs.

Amended claims 12 and 17 contain similar limitations.

The Examiner has not met his burden of presenting the *prima facie* case of obviousness with regards to claims 1, 12, and 17 because the cited prior art fails to teach or suggest aging each cell having a non-unique destination address in a buffer connected in parallel with the outputs. As acknowledged by the Examiner, *Huang I* fails to teach or suggest aging cells having non-unique destination addresses in the second stage. Similarly, the Examiner acknowledged that *Huang II* fails to teach or suggest a non-recirculating sort and trap stage where the aging

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occurs, and thus fails to teach the aging of cells with non-unique destination addresses. The Examiner does not rely on *Widjaja* to teach or suggest aging cells having non-unique destination addresses, and rightfully so because *Widjaja* does not teach or suggest aging cells having non-unique destination addresses. Because *Huang I*, *Huang II*, and *Widjaja* fail to teach aging cells having non-unique destination addresses, *Huang I*, *Huang II*, and *Widjaja* cannot teach or suggest aging such cells in a buffer connected in parallel with the outputs.

Yang fails to teach or suggest aging cells with non-unique destination addresses in a buffer connected in parallel with the outputs. As clearly shown in *Yang's* FIG. 11, the buffer (reference number 120) is connected in series with the outputs. In other words, cells passing through *Yang's* invention are required to flow through the buffers. In sharp contrast, the Applicant's FIG. 3b clearly shows that the buffer is connected in parallel such that cells with a unique destination address do not pass through the buffer. Thus, the cited prior art fails to teach or suggest aging cells having non-unique destination addresses in a buffer connected in parallel with the outputs. Consequently, the cited prior art does not teach or suggest all of the claimed limitations and the Examiner has failed to meet his burden of presenting a *prima facie* case of obviousness with respect to independent claims 1, 12, and 17.

Amended claim 27 is also distinguishable over the cited prior art because the cited prior art fails to teach or suggest that the cells in the buffer consist essentially of cells with non-unique destination addresses. Amended claim 27 reads:

27. The switching system of claim 1 wherein the cells in the buffer consist essentially of cells with a non-unique destination address.

As clearly shown in *Yang's* FIG. 11, both types of cells, i.e. those having unique destination addresses and those having non-unique destination addresses, travel through *Yang's* buffer. Thus, *Yang's* buffer consists of cells with both unique and non-unique destinations addresses, as

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opposed to claim 27 which recites that the buffer consists essentially of cells with non-unique destination addresses. Because the cited prior art fails to teach or suggest that the cells in the buffer consist essentially of cells with non-unique destination addresses, the cited prior art does not teach or suggest all of the claimed limitations and the Examiner has failed to meet his burden of presenting a *prima facie* case of obviousness with respect to claim 27.

For the reasons described above, independent claims 1, 12, and 17 are allowable over the cited prior art. Claims 2-3, 5-11, 13-16, and 28-27 are allowable because they depend on allowable claims 1, 12, and 17. Thus, all of the claims are allowable over the cited prior art.

*Attorney Docket No: IDF 1614 (4000-04800)**Patent***CONCLUSION**

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated August 24, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
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